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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA  
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9 USA, ) No. CR-04-0746-PHX-JAT  
10 ) CV-05-0526-PHX-JAT

11 ) Plaintiff/Respondent, )

**ORDER**

12 ) vs. )

13 ) Felipe Garcia-Rios, )

14 ) Defendant/Movant. )  
15 \_\_\_\_\_

16 Pending before the Court is Movant's Motion to Vacate, Set Aside, or Correct  
17 Sentence (Doc. #17). The Magistrate Judge issued a Report and Recommendation ("R&R")  
18 (Doc. #27) recommending that the Motion be denied.

19 Neither party has filed objections to the R&R. As a result, the Court hereby accepts  
20 the R&R. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985) (finding that district courts are not  
21 required to conduct "any review at all . . . of any issue that is not the subject of an objection"  
22 (emphasis added)); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en*  
23 *banc*) ("statute makes it clear that the district judge must review the magistrate judge's  
24 findings and recommendations de novo if objection is made, but not otherwise" (emphasis  
25 in original)); *see also Schmidt v. Johnstone*, 263 F.Supp.2d 1219, 1226 (D. Ariz. 2003).

26 Accordingly,

27 **IT IS THEREFORE ORDERED** that the Magistrate Judge's Report and  
28 Recommendation (Doc. #27) is **ACCEPTED**;

